THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.28760 of 1998
Dated: 21-08-2007

Between:
M.Satyanarayana Petitioner

And

Managing Director, APSRTC,
Musheerabad, Hyderabad and another

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.28760 of 1998

ORDER:

1. There is no representation on behalf of the writ petitioner and even on the last occasion also there was no representation. Perused the record.

2. Heard Sri R.Manmadha Reddy, the learned standing counsel for the APSRTC.

3. The writ petition has been filed calling in question the validity of the order passed on 18-09-1998 by the Depot Manager, Narsapur Depot of the APSRTC rejecting the candidature of the writ petitioner for appointment on compassionate grounds. Claim of the writ petitioner is rested upon the fact that his father, while working as a driver with the APSRTC met with a premature death on 26-03-1986, leaving behind his dependents to fend for themselves. Since the writ petitioner was only a child of tender age at the time of death of his father, his mother has submitted a representation to the respondents soliciting consideration of the candidature of the writ petitioner for appointment under the scheme of providing employment to one of the dependents in cases where the employees from the corporation died in harness. Considering the application, the writ petitioner has been directed to appear for an interview on 7th February, 1996. It has been found that the writ petitioner was less than 18 years of age even by that date and hence he was under-aged for employment in the corporation.

In those circumstances, the claim of the writ petitioner was rejected, but however, the mother of the writ petitioner was advised to claim the additional monetary benefit amount, which is otherwise payable, in lieu of employment of the writ petitioner.

4. The scheme enunciated for providing employment in favour of one of the dependents of the deceased servants as a social security measure and also as a measure of providing reasonable assurance in the minds of the employees that the corporation will take care of their welfare not only during the times of their service, but also in case of acute necessity even in times beyond. In a way, providing employment on compassionate grounds in favour of the dependents is an exception to the ordinary rule of throwing open the opportunities of public employment to all other qualified and suitable candidates available in the open market. Therefore, this scheme has got to be construed as an effective tool designed by the model employers to come to the rescue of distressed familes of their own employees. The scheme is not intended to act as an additional source of recruitment by itself. The extreme compassion that is liable to be shown in deserving cases, is liable to be shown only for relieving the family from the distress caused due to the death of the bread winner. If the dependent members of the family of the deceased employee were able to survive for a long period after the death of the bread winner itself indicates the ability of the family to get over distressing factors and their ability to tide over the crisis created due to the sudden loss of life of the bread winner. In such circumstances, the dependent family members of the deceased servants do not fall within the parameters for extending compassionate treatment by the employers. In the instant case, by the time the writ petitioner came to the interview for adjudging his suitability, nearly 10 years time period has elapsed since the death of

his father. Therefore, the action of the corporation in not extending the benefit of the scheme of compassionate appointment in favour of the writ petitioner is unexceptionable and it cannot be faulted.

5. However, the corporation merely advising the wife of the deceased employee to solicit additional monetary benefit in lieu of employment of the writ petitioner is no solution by itself. Since the writ petitioner's claim for appointment has been rejected, the corporation does not need anything further to be done in the matter. Therefore, they should have calculated and sent up the amount of additional financial benefit which is otherwise payable to the mother of the writ petitioner, who is the wife of the deceased employee. I therefore, direct the corporation to calculate the additional monetary benefit which would have become available to the mother of the petitioner, who is the wife of the deceased in the instant case and settle the same within a period of six weeks from today without any further delay.

6. With this, the writ petition stands disposed of. No order as to costs.

-

_____

NOOTY RAMAMOHANA RAO,J

21-08-2007
Stp